IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY NINETH DAY OF JUNE
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI DEVINDER GUPTA,THE CHIEF JUSTICE

and
THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 5936 of 2004

Between:

Chidurala Arjun, S/o. Ch. Lingaiah
R/o. Mulkanoor, Bhimdevarapally Mandal, Karimnagar District.

..... PETITIONER

AND

1 State Bank of Hyderabad, Mulkanoor Branch, Karimnagar District, rep. by its Branch Manager.
2 Union Of India, Ministry of Finance, Loknayak Bhavan, New Delhi, rep. by its Secretary.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction or Writ specially writ of mandamus declaring the Securitization and Reconstruction of Financial Assets and Enforcement of Security Interest Act 2002 as unconstitutional and violative of Art. 14, 19(1) (g) of Constitution of India and accordingly declare the same as void and imperative by declaring the possession notice No.F/SA/80 dt. 29-9-2003, Appendix IV dated 12-3-2004 and consequential notice of sale No.F/SRESI dated 12-3-2004 issued by the 1st respondent under the provisions of the said Act as illegal, arbitrary, against the principles of natural justice

For the Petitioner:MR.M.VENKAT RAM REDDY ,Advocate

For the Respondent No.: MR.A.RAJASHEKAR REDDY (SC FOR CG)
Mr A.Krishnam Raju, Advocate

The Court Made the Following ORDER:

(per Hon'ble Sri Devinder Gupta, The Chief Justice)

In view of the decision of the Hon'ble Supreme Court in Transfer Case (Civil) No.92-95 of 2002, dated 8th April, 2004 [MARDIA CHEMICALS LTD v UNION OF INDIA & ORS], challenge to the provisions of the Securitisation And Reconstruction of Financial Assets and Enforcement of Security Interest Act, 2002 is not tenable and for that reason relief prayed for in this writ petition cannot be granted. Writ petition is, therefore, dismissed.

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DEVINDER GUPTA, CJ

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G.ROHINI, J

29th June, 2004.

nmr

ASSISTANT REGISTRAR

// true copy //

SECTION OFFICER

To

1. Union of India, Ministry of Finance,

Loknayak Bhavan, New Delhi, represented by its Secretary

1.2CCs to Senior Standing Counsel for Central Government

2.2CD copies